

Drinking Water Program Overview For the State of West Virginia

(as of 03/31/03)

Public Water System Supervision Program

Program Manager: Wanda F. Johnson (4-3249)

Funding

Fiscal Year	Federal Share	State Share	Total Program Costs
2002	\$807,000	\$ 587,918	\$ 1,394,918
2003	\$818,596	\$725,180	\$1,543,776

State Program Highlights

Strengths

West Virginia Department of Health and Human Resources (WVDHHR) has made great efforts to stay on top of adopting new regulations. They have interim primacy for the Interim Enhanced Surface Water Treatment Rule (IESWTR), Consumer Confidence Report (CCR) and Stage 1 Disinfectant/Disinfection Byproducts (D/DBP) Rule. They have taken a proactive monitoring approach by sending out letters encouraging small systems to monitor for Total trihalomethanes (TTHMs) and Haloacetic Acids (five) (HAA5s) under the Long Term 1 Enhanced Surface Water Treatment Rule, and radiological contaminants under the new Radionuclides Rule. In doing so, they hope to identify systems needing to install treatment before the new TTHM and HAA5 maximum contaminant levels (MCLs) take effect for all systems, and to encourage early compliance for radiological contaminants.

Weaknesses

Drought conditions in the state has slowed progress in testing systems that have ground water under the direct influence of surface water (GUDI). Although much progress has been made to complete testing due to a 1999 Corrective Action Plan, WV continues to have a hard time getting smaller and/or orphan systems to do testing. WVDHHR has began taking enforcement actions with systems failing to complete the testing and is hopeful to have GUDI determinations completed for all systems by the end of 2004. The completion deadline for community systems was June 1994 and the completion deadline for non-community systems was June 1999.

They also continue to have some difficulties in getting timely certifications from their Office of the Attorney General. These certifications are required to retain primacy.

Capacity Development Program

WVDHHR's Capacity Development Report to the Governor was submitted on time, thus, avoiding a 20% loss of their TRF grant. They are successfully implementing their Capacity Development Authority Program. They assessed their 737 community and non-community water systems and submitted the baseline priority ranking for these systems. WVDHHR worked with eight small "non-viable" systems to consolidate TMF (technical, managerial, financial) capabilities into the McDowell County Public Service District to promote more viable water systems in McDowell County.

Operator Certification Program

WVDHHR's Operator Certification Program was submitted and approved. WVDHHR has until 06/30/03, to submit their first annual implementation report. This information is to be used each year to determine if a state is eligible to receive their full DWSRF grant allotment, or if we should withhold 20%.

Unfinished Business in West Virginia

Issue: Improper practice of policy regarding triennial sampling for LCR.

Background: It was discovered during the June 2002 data verification that WVDHHR is practicing improper policy regarding triennial sampling for the Lead and Copper Rule (LCR). The state insists that they were given verbal approval from EPA to allow PWSs to collect LCR samples "within" a three year compliance period, as opposed to once "every" three years as stated in the Federal Regulations.

Potential Resolution: EPA strongly suggests that WVDHHR comply with collecting LCR samples once every three years. To date they have not produce record of receiving verbal or written confirmation from EPA that sampling within a three year period is in compliance with federal standards. EPA will be following up with the state prior to the 2003 data verification to ensure appropriate policies are practiced.

Issue: Inability and/or delay in getting certifications from the WV Office of the Attorney General (AG).

Background: WVDHHR continues to have problems getting AG Statements in order to submit their primacy packages by the required deadline. Without updated programs, the state risks Primacy. Just recently, they missed the Radionuclides deadline of 12/7/02 and the Lead and Copper Minor Revisions extension deadline of 12/31/02. According to WVDHHR, this primacy package had been in the AG's office since Nov 1 waiting to get a statement. With the arsenic deadline that was fast approaching, 1/22/03, EPA offered assistance to help speed up the process but it was not necessary. They were able to get an AG Statement to include the Radionuclide, Arsenic and Lead and Copper Minor Revisions Rule. This primacy package was received by EPA on 1/14/03.

Potential Resolutions: EPA suggested to WVDHHR that the AG can designate General Counsel with authority to provide clarifications to the enforceability of WV law and regulations. The AG would send a letter to the EPA Regional Administrator giving his authority, the name of the designee and the applicable law and regulations for review. EPA believes this will help avoid WVDHHR's primacy packages from getting held up in the AG's office.

Issue: Hiring difficulties and inability to retain staff have caused delays in key program areas.

Background: WVDDHR had been working under a Corrective Action Plan to build it's capacity to accomplish objectives by filling vacancies. Low staff levels caused them to fall behind on conducting sanitary surveys and evaluating groundwater systems under the direct influence of surface water (GUDI). It also has the potential to impact Primacy if the state does not have enough staff to implement future regulations.

Potential Resolutions: The state has made significant progress in filling vacancies thus,

building their capacity to fully implement their PWSS Program. This is evident in the substantial ground made in completing GUDI assessments and the dramatic decrease in data deficiencies. Sanitary surveys are back on schedule as well. Progress still needs to be monitored during annual reviews and before future grant awards in regards to GUDI status and staffing levels.